


**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Gerren Amiker,)	
)	
Plaintiff,)	Civil Action No. 6:12- 2886
)	
vs.)	
)	
Carolyn W. Colvin, Acting Commissioner)	
of Social Security,)	ORDER
)	
Defendant.)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation on November 6, 2013 recommending that the decision of the Commissioner be reversed and remanded to the agency. (Dkt. No. 14). The Commissioner has filed a response to the Magistrate Judge's Report and Recommendation indicating that she will file no objections. (Dkt. No. 18). The Court has reviewed the Report and Recommendation and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. In light of the protracted nature

of these administrative proceedings, the Court directs that the administrative hearing in this matter be conducted and a decision rendered by the Administrative Law Judge within 120 days of this Order.¹


Richard Mark Gergel
United States District Judge

Charleston, South Carolina
November 26, 2013

¹ The Plaintiff filed an application for SSI benefits on November 16, 2006 and asserts an onset date of June 5, 2003. His administrative hearing was conducted on July 30, 2009 and a decision was issued by the Administrative Law Judge on November 13, 2009. The Appeals Council review process was not completed until August 2, 2012. Thus, Plaintiff's application for SSI benefits has been pending in excess of seven years and alleges disability has existed for the past decade. These circumstances compel expedited administrative processing on remand with careful attention to the multiple legal deficiencies set forth in the Report and Recommendation.